

## SECOND DAY

(Wednesday, September 10, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Green
Allen	Halsey
Allison	Hardeman
Alsup	Hargis
Avant	Harris of Dallas
Bailey	Harris of Hill
Baker	Hartzog
Bean	Heflin
Bell	Helpinstill
Benton	Henderson
Blankenship	Hileman
Boone	Hobbs
Brawner	Howard
Bray	Howington
Bridgers	Hoyo
Brown	Huddleston
Bruhl	Hughes
Bullock	Humphrey
Bundy	Hutchinson
Burkett	Isaacks
Burnaman	Jones
Carrington	Kelly
Cato	Kennedy
Celaya	Kinard
Chambers	King
Clark	Klingeman
Cleveland	Knight
Coker	Lansberry
Colson, Mrs.	Lehman
Connelly	Leyendecker
Craig	Little
Crossley	Lock
Crosthwait	Love
Daniel	Lowry
Davis	Lucas
Deen	Lyle
Donald	McAlister
Dove	McCann
Duckett	McDonald
Dwyer	McGlasson
Ellis	McLellan
Eubank	McMurry
Evans	McNamara
Favors	Manford
Ferguson	Manning
Files	Markle
Fitzgerald	Martin
Fuchs	Matthews
Gandy	Mills
Garland	Montgomery
Gilmer	Moore

Morgan	Simpson
Morris	Smith of Bastrop
Morse	Smith of Atascosa
Murray	Spacek
Pace	Spangler
Parker	Stanford
Pevehouse	Stinson
Phillips	Stubbs
Price	Taylor
Rampy	Thornton
Reed of Bowie	Vale
Reed of Dallas	Voigt
Ridgeway	Walters
Rhodes	Wattner
Roark	Weatherford
Roberts	White
Sallas	Whitesides
Senterfitt	Williamson
Sharpe	Winfree
Shell	

## Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, we are glad this morning that the lines have fallen to us in pleasant places, and that our task is one of real helpfulness. We pray just now for Thy blessing upon our friend and fellow-member, Mr. Carlton, and that Thou wouldst bless those who minister to him, and that it may be Thy will that he shall soon recover. Forget us not, but be with us today. In Jesus' name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hanna for today on motion of Mr. Crosthwait.

Mr. Goodman for today on motion of Mr. Simpson.

Mr. Dickson of Nolan for today on motion of Mr. Bullock.

Mr. Dickson of Bexar for today on motion of Mr. Dwyer.

Mr. Kersey for today and the balance of the week, on account of death in family, on motion of Mr. Crossley.

Mr. Huffman for yesterday and today, on account of sickness in family, on motion of Mr. Isaacks.

#### HOUSE BILLS ON FIRST READING

The following House bills introduced today were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Lehman, Mr. Coker, Mr. Rhodes, Mr. Morgan, Mr. Fuchs, Mr. Donald, Mr. Bailey, Mr. Deen, Mr. Dove, Mr. Pevehouse, Mr. Cato, Mr. Brawner, Mr. Murray, Mr. Hobbs, Mr. Helpinstill, Mr. Green, Mr. Harris of Hill, Mr. Manning and Mr. Ferguson:

H. B. No. 6, A bill to be entitled "An Act making an appropriation for the biennium beginning September 1, 1941, and ending August 31, 1943, of monies coming into the County and Road District Highway Fund, and all monies on hand remaining therein from the previous year to carry out the provisions of Chapter 13, General Laws, 42nd Legislature, Third Called Session, as amended, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Chambers:

H. B. No. 7, A bill to be entitled "An Act providing for a more adequate and equitable salary for constable and justice of peace in all counties in this State having a population of not less than twenty-five thousand, five hundred (25,500) and not more than twenty-six thousand, two hundred (26,200), and containing a city having a population of not less than thirteen thousand, three hundred ninety-five (13,395) and not more than fourteen thousand, five hundred (14,500), according to the last preceding Federal Census, in which is located a military camp; providing manner in which same shall be paid; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Harris of Dallas:

H. B. No. 8, A bill to be entitled "An Act making an appropriation for

the biennium beginning September 1, 1941, and ending August 31, 1943, of monies coming into the County and Road District Highway Fund, and all monies on hand remaining therein from the previous year to carry out the provisions of Chapter 3, General Laws, 46th Legislature, Regular Session, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Whitesides:

H. B. No. 9, A bill to be entitled "An Act to amend Title 116, Article 6674q, Section 7, Paragraph (a) of the Revised Civil Statutes of the State of Texas, 1925, with reference to administrative provisions enacted for the allocation of funds from Gasoline Tax as amended by Acts of the Forty-sixth Legislature, 1939, as set out in Session Laws of the Forty-sixth Legislature, Acts of 1939, Page 582, Paragraph (a) in Section 6 of said Act to provide for the eligibility of defined Road Districts to participate in the distribution of moneys coming into the County and Road District Highway Fund for the payment of bonds voted by such Road District prior to January 2, 1939; and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Crosthwait, Mr. Blankenship, Mr. Lansberry, Mr. McLellan, Mr. Lock, Mr. Allen, Mr. Weatherford and Mr. Markle:

H. B. No. 10, A bill to be entitled "An Act making an appropriation for the biennium beginning September 1, 1941, and ending August 31, 1943, of monies coming into the County and Road District Highway Fund, and all monies on hand remaining therein from the previous year to carry out the provisions of Chapter 13, General Laws, 42nd Legislature, 3rd Called Session, as amended, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Spacek:

H. B. No. 11, A bill to be entitled "An Act relating to marks and

brands of livestock in Fayette County; requiring that each owner of any livestock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, 1925, shall within six (6) months after this Act takes effect have his mark and brand of such stock recorded at the office of the County Clerk; and providing that such owners shall so record such marks and brands, whether heretofore recorded or not, and that after the expiration of six (6) months from the taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands of Fayette County; and further providing that the County Clerk of said county shall publish this Act in some newspaper in general circulation in Fayette County for a period of thirty (30) days; providing for re-recording brands and marks at the end of ten-year period; and declaring an emergency."

Referred to the Committee on Livestock and Stock Raising.

**MOTION TO SET HOUSE BILL  
NO. 2 FOR SPECIAL  
ORDER**

Mr. Gilmer mover that House Bill No. 2 be set for Special Order at 10:30 o'clock a. m. tomorrow.

Mr. Crosthwait moved as a substitute motion that House Bill No. 2 be set for Special Order at 10:30 o'clock a. m., next Tuesday, September 16.

The substitute motion by Mr. Crosthwait was lost by the following vote:

**Yeas—54**

Allen	Cato
Allison	Coker
Avant	Crossley
Baker	Crosthwait
Blankenship	Davis
Brawner	Dove
Bray	Evans
Brown	Ferguson
Bruhl	Files
Bundy	Fuchs
Burkett	Gandy
Burnaman	Green

Harris of Hill  
Henderson  
Hileman  
Huddleston  
Hutchinson  
Kelly  
Klingeman  
Lansberry  
Lehman  
Love  
Lowry  
McCann  
McGlasson  
McLellan  
McNamara

Markle  
Martin  
Mills  
Montgomery  
Morgan  
Pevehouse  
Rampy  
Rhodes  
Senterfitt  
Sharpe  
Stubbs  
Walters  
Weatherford  
White  
Winfree

**Nays—83**

Alsup  
Bailey  
Bell  
Benton  
Boone  
Bridgers  
Bullock  
Carrington  
Celaya  
Chambers  
Clark  
Cleveland  
Colson, Mrs.  
Connelly  
Craig  
Daniel  
Deen  
Donald  
Duckett  
Dwyer  
Ellis  
Eubank  
Favors  
Garland  
Gilmer  
Halsey  
Hardeman  
Hargis  
Harris of Dallas  
Hartzog  
Heflin  
Helpinstill  
Hobbs  
Howard  
Howington  
Hoyo  
Hughes  
Humphrey  
Isaacks  
Jones  
Kennedy  
Kinard

King  
Knight  
Leyendecker  
Little  
Lock  
Lucas  
McAlister  
McDonald  
McMurry  
Manford  
Manning  
Matthews  
Moore  
Morris  
Morse  
Murray  
Pace  
Parker  
Phillips  
Price  
Reed of Bowie  
Reed of Dallas  
Ridgeway  
Roark  
Roberts  
Sallas  
Shell  
Simpson  
Smith of Bastrop  
Smith of Atascosa  
Spacek  
Spangler  
Stanford  
Stinson  
Taylor  
Thornton  
Vale  
Voigt  
Wattner  
Whitesides  
Williamson

**Absent**

Bean  
Fitzgerald  
Lyle

## Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

Question then recurring on the motion by Mr. Gilmer, it was lost by the following vote:

## Yeas—60

Alsup	Kelly
Bell	Kennedy
Blankenship	Kinard
Boone	Leyendecker
Bray	Little
Bridgers	Love
Brown	McAlister
Bullock	McDonald
Carrington	Markle
Celaya	Moore
Chambers	Morris
Clark	Morse
Cleveland	Pace
Colson, Mrs.	Parker
Daniel	Phillips
Dwyer	Reed of Bowie
Ellis	Ridgeway
Eubank	Roberts
Gilmer	Senterfitt
Halsey	Shell
Hardeman	Simpson
Harris of Dallas	Smith of Bastrop
Hartzog	Smith of Atascosa
Helpinstill	Spangler
Howard	Stanford
Hoyo	Stinson
Hughes	Taylor
Humphrey	Vale
Isaacks	Wattner
Jones	Williamson

## Nays—75

Allen	Deen
Allison	Donald
Avant	Dove
Bailey	Duckett
Baker	Evans
Benton	Favors
Brawner	Ferguson
Bruhl	Files
Bundy	Fuchs
Burkett	Gandy
Burnaman	Garland
Cato	Green
Coker	Hargis
Connelly	Harris of Hill
Craig	Heflin
Crossley	Henderson
Crosthwait	Hileman
Davis	Hobbs

Howington	Montgomery
Huddleston	Morgan
King	Murray
Klingeman	Pevehouse
Knight	Price
Lansberry	Rampy
Lehman	Rhodes
Lock	Roark
Lowry	Sallas
Lucas	Sharpe
McCann	Spacek
McGlasson	Stubbs
McLellan	Thornton
McMurry	Voigt
McNamara	Walters
Manford	Weatherford
Manning	White
Martin	Whitesides
Matthews	Winfree
Mills	

## Absent

Bean	Lyle
Fitzgerald	Reed of Dallas
Hutchinson	

## Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

## MOTION TO SUSPEND RULES

Mr. Sharpe moved to suspend the Rules in order that a motion may be made to recommit House Bill No. 2 to the Committee of the Whole House.

The motion to suspend the Rules was lost by the following vote:

## Yeas—49

Allen	Fuchs
Allison	Gandy
Avant	Green
Bailey	Harris of Hill
Baker	Henderson
Benton	Huddleston
Brown	Hutchinson
Bruhl	King
Burkett	Lehman
Burnaman	Lowry
Cato	McCann
Coker	McGlasson
Connelly	McLellan
Craig	McNamara
Crossley	Markle
Deen	Matthews
Dove	Morgan
Favors	Parker
Ferguson	Pevehouse

Price	Sharpe
Rampy	Spacek
Reed of Bowie	Stubbs
Rhodes	Thornton
Roark	White
Sallas	

## Nays—84

Alsup	Kennedy
Bell	Kinard
Blankenship	Klingeman
Boone	Knight
Bray	Lansberry
Bridgers	Leyendecker
Bullock	Little
Carrington	Lock
Celaya	Love
Chambers	Lucas
Clark	McAlister
Cleveland	McDonald
Colson, Mrs.	McMurry
Crosthwait	Manning
Daniel	Martin
Davis	Mills
Donald	Montgomery
Duckett	Moore
Dwyer	Morris
Ellis	Morse
Eubank	Murray
Evans	Phillips
Files	Reed of Dallas
Garland	Ridgeway
Gilmer	Roberts
Halsey	Senterfitt
Hardeman	Shell
Hargis	Simpson
Harris of Dallas	Smith of Bastrop
Hartzog	Smith of Atascosa
Heflin	Spangler
Helpinstill	Stanford
Hileman	Stinson
Hobbs	Taylor
Howard	Vale
Howington	Voigt
Hoyo	Walters
Hughes	Wattner
Humphrey	Weatherford
Isaacks	Whitesides
Jones	Williamson
Kelly	Winfree

## Absent

Bean	Lyle
Brawner	Manford
Bundy	Pace
Fitzgerald	

## Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

## BILL RE-REFERRED

Mr. Chambers moved that House Bill No. 7 be withdrawn from the Committee on Counties and referred to the Committee on School Districts.

The motion prevailed.

## MOTION TO RE-REFER

Mr. McLellan moved that all bills now pending before the Committee on Appropriations be withdrawn from the Committee on Appropriations and referred to the Committee of the Whole House.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—71

Allen	Humphrey
Allison	Hutchinson
Avant	Kennedy
Bailey	King
Baker	Klingeman
Benton	Lehman
Brown	Lowry
Bruhl	Lucas
Bundy	McCann
Burkett	McGlasson
Burnaman	McLellan
Cato	McNamara
Coker	Manford
Connelly	Manning
Craig	Markle
Crossley	Martin
Crosthwait	Matthews
Davis	Morgan
Donald	Murray
Dove	Parker
Duckett	Pevehouse
Evans	Price
Favors	Rampy
Ferguson	Reed of Bowie
Fuchs	Rhodes
Gandy	Roark
Garland	Sallas
Green	Sharpe
Hargis	Stubbs
Harris of Hill	Thornton
Henderson	Wattner
Hileman	Weatherford
Hobbs	White
Howington	Whitesides
Huddleston	Winfree
Hughes	

## Nays—60

Alsup	Blankenship
Bell	Boone

Bray	Leyendecker
Bridgers	Little
Bullock	Lock
Carrington	Love
Celaya	McAlister
Clark	McMurry
Cleveland	Montgomery
Colson, Mrs.	Moore
Daniel	Morris
Dwyer	Morse
Ellis	Pace
Eubank	Phillips
Files	Reed of Dallas
Gilmer	Ridgeway
Halsey	Roberts
Hardeman	Senterfitt
Harris of Dallas	Shell
Hartzog	Simpson
Heflin	Smith of Bastrop
Helpinstill	Smith of Atascosa
Howard	Spangler
Hoyo	Stanford
Isaacks	Stinson
Jones	Taylor
Kelly	Vale
Kinard	Voigt
Knight	Walters
Lansberry	Williamson

**Absent**

Bean	Lyle
Brawner	McDonald
Chambers	Mills
Deen	Spacek
Fitzgerald	

**Absent—Excused**

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

**MOTION TO INSTRUCT COMMITTEE ON APPROPRIATIONS**

Mr. Lansberry moved that the Committee on Appropriations be instructed to report on all bills pending in that Committee by 11:00 o'clock a. m., next Friday.

Mr. Cato moved as a substitute motion that the Committee on Appropriations be instructed to report on all bills pending in that Committee by 11:00 o'clock a. m., next Monday.

The substitute motion by Mr. Cato was lost.

Question then recurring on the motion by Mr. Lansberry, it was lost

by the following vote (not receiving the necessary two-thirds vote):

**Yeas—76**

Allen	Huddleston
Allison	Hughes
Avant	Humphrey
Bailey	Hutchinson
Baker	Kennedy
Benton	King
Blankenship	Klingeman
Brawner	Lansberry
Bray	Lehman
Brown	Lock
Bruhl	Lowry
Bundy	Lucas
Burkett	McCann
Burnaman	McLellan
Cato	McNamara
Coker	Manning
Connelly	Markle
Craig	Martin
Crossley	Matthews
Crosthwait	Morgan
Daniel	Murray
Davis	Pevehouse
Deen	Price
Donald	Reed of Bowie
Duckett	Ridgeway
Eubank	Rhodes
Favors	Roark
Ferguson	Sallas
Files	Sharpe
Fuchs	Spacek
Gandy	Stubbs
Green	Thornton
Hargis	Voigt
Harris of Hill	Walters
Helpinstill	Wattner
Henderson	Weatherford
Hileman	White
Hobbs	Whitesides

**Nays—53**

Alsup	Hartzog
Bell	Howard
Boone	Hoyo
Bridgers	Isaacks
Bullock	Jones
Carrington	Kelly
Celaya	Kinard
Clark	Knight
Cleveland	Leyendecker
Colson, Mrs.	Little
Dwyer	Love
Ellis	McAlister
Evans	McDonald
Garland	McMurry
Gilmer	Montgomery
Halsey	Moore
Hardeman	Morris
Harris of Dallas	Morse

Pace	Smith of Bastrop
Parker	Smith of Atascosa
Phillips	Spangler
Rampy	Stanford
Reed of Dallas	Stinson
Roberts	Taylor
Senterfitt	Vale
Shell	Williamson
Simpson	

**Absent**

Bean	Lyle
Chambers	McGlasson
Dove	Manford
Fitzgerald	Mills
Heflin	Winfree
Howington	

**Absent—Excused**

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

**EXTENDING CONGRATULATIONS  
OF THE HOUSE TO HON.  
JOE SKILES**

Mr. Kelly offered the following resolution:

H. S. R. No. 7, Extending congratulations of the House to Hon. Joe Skiles.

Whereas, Our friend and colleague, the Honorable Joe Skiles, of Denton County, the Thirtieth Representative District of Texas, until recently has been a member of the House of Representatives, having been elected to serve the people of his District for two consecutive terms; and

Whereas, The Honorable Joe Skiles has just recently, after much deliberation, resigned his membership in this House and has accepted a position as Director in the Educational Field of Texas A. & M. College, and his resignation having been accepted; and

Whereas, The Honorable Mr. Skiles while a member of the Honorable Body of the Forty-sixth and Forty-seventh Legislatures showed the true spirit that a Representative of the people should possess, thereby endearing himself in the hearts of his associates and thereby rendering unto the people of Texas a great service; and

Whereas, It is fitting and proper that we extend our best wishes and congratulations to him in his new field of work; therefore,

Be It Resolved by the House of Representatives of the State of Texas, the First Called Session of the Forty-seventh Legislature, That we extend our sincerest appreciation for his past services and wish for him continued success in all his undertakings;

Be It Further Resolved, That a copy of this resolution be spread on the House Journal and that a copy be forwarded to the Honorable Joe Skiles.

KELLY,  
MOORE,  
FILES,  
CLEVELAND,  
MANNING,  
McDONALD,  
WATTNER.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Green, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McGlasson, McLellan, McMurry, McNamara, Manford, Markle, Martin, Matthews, Mills, Montgomery, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Vale, Voigt, Walters, Weatherford, White, Whitesides, Williamson, Winfree.

On motion of Mr. Eubank the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

#### MEMORIALIZING CONGRESS TO PASS CERTAIN LEGISLATION

Miss Files offered the following resolution:

H. S. R. No. 8, Memorializing Congress in regard to certain tax on oleomargarine.

Whereas, The Constitution of the United States provides that taxes shall be uniform and shall be levied to promote the general welfare;

Whereas, Since 1886 the wholesome food product called "oleomargarine" has been handicapped by an occupational tax to be paid by dealers who sell it; and

Whereas, This tax is levied not for revenue but to make the sale of oleomargarine more difficult since the "power to tax is the power to destroy"; and

Whereas, The chief vegetable oils and animal fats employed in the manufacture of oleomargarine are products of Texas and other southern states and this tax operates unfairly against the producers of these oils, the processors of the oils and of the oleomargarine, and against every man, woman and child in the low income group who in the end pay the tax; therefore be it

Resolved by the House of Representatives of Texas in Special Session Assembled, That the Senators and Representatives in Congress from Texas are urged and hereby petitioned to actively support the removal of this occupational tax levied by the Federal Government and to push for the passage of legislation now before the House Committee on Agriculture to amend the Act of 1886 by cutting out this tax; and be it further

Resolved, That copies of this resolution be sent to every member of the Texas delegation in Congress, given to the Press and sent to all governors of the southern states with a request that they promote similar action.

The resolution was read second time.

Mr. Duckett moved that the resolution be tabled.

The motion to table was lost.

Question then recurring on the resolution by Miss Files, yeas and nays were demanded.

The resolution was adopted by the following vote:

#### Yeas—63

Allison	Little
Bell	Love
Blankenship	Lucas
Boone	McCann
Brawner	McDonald
Bridgers	McMurry
Brown	Markle
Bullock	Martin
Cato	Mills
Clark	Montgomery
Cleveland	Morris
Coker	Morse
Crosthwait	Murray
Davis	Parker
Deen	Pevehouse
Dwyer	Rampy
Ellis	Rhodes
Files	Roark
Fuchs	Roberts
Garland	Senterfitt
Hargis	Sharpe
Harris of Dallas	Simpson
Harris of Hill	Smith of Bastrop
Henderson	Stinson
Howard	Taylor
Huddleston	Vale
Hughes	Voigt
Isaacks	Wattner
Kinard	Weatherford
Lansberry	Whitesides
Lehman	Winfree
Leyendecker	

#### Nays—50

Alsup	Favors
Avant	Ferguson
Bailey	Gandy
Baker	Green
Benton	Halsey
Bray	Hartzog
Burkett	Helpinstill
Burnaman	Hileman
Carrington	Hobbs
Connelly	Howington
Craig	Hoyo
Daniel	Jones
Donald	Kennedy
Duckett	King
Eubank	Knight
Evans	McLellan



McNamara	Ridgeway
Manford	Sallas
Manning	Spacek
Matthews	Stanford
Moore	Stubbs
Pace	Thornton
Phillips	Walters
Price	White
Reed of Bowie	Williamson

## Absent

Allen	Hutchinson
Bean	Kelly
Bruhl	Klingeman
Bundy	Lock
Celaya	Lowry
Chambers	Lyle
Colson, Mrs.	McAlister
Crossley	McGlasson
Dove	Morgan
Fitzgerald	Reed of Dallas
Gilmer	Shell
Hardeman	Smith of Atascosa
Heflin	Spangler
Humphrey	

## Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

TO GRANT PERMISSION TO SUE  
THE STATE

Mr. Hughes offered the following resolution:

H. C. R. No. 4, To grant the heirs of William Walsh and Dora Walsh, namely, Edward J. Walsh, P. A. Walsh, W. J. Walsh, James M. Walsh, Katie McGinnis and Louis McGinnis, permission to sue the State of Texas.

Whereas, William Walsh and his wife, Dora Walsh, purchased certain real estate located in the Daniel J. Gilbert Survey in Travis County, Texas, from Joseph Harrell on September 21, 1875, by deed recorded in Vol. 30, page 297, of the Deed Records of Travis County, Texas; and purchased other real estate located in the same survey from William Adams, Administrator of the Estate of Robert Adams, on March 7, 1874, by deed recorded in Vol. 26, at page 46, of the Deed Records of Travis County, Texas; and said William Walsh and wife, Dora Walsh purchased 54 acres of land in the Daniel

J. Gilbert Survey from Joseph Harrell on February 12, 1874, described in a deed recorded in Vol. Z, at page 526, of the Deed Records of Travis County; and

Whereas, George W. Brackenridge conveyed to the University of Texas 353 acres of land, more or less, out of the Daniel J. Gilbert Survey on June 17, 1910, described in a deed recorded in Vol. 244, at page 77, of the Deed Records of Travis County, Texas, which tract lies immediately South of the Walsh property above referred to; and

Whereas, A dispute has arisen as to the location of the boundary lines between the lands owned by the Walsh heirs and that held by the University of Texas, which dispute culminated in a suit in Trespass to Try Title by the Walsh heirs against the University of Texas, being styled Edward J. Walsh, et al., vs. the University of Texas, et al., numbered 63,959 on the docket of the 53rd District Court of Travis County, Texas, in which case Judge J. D. Moore sustained a plea in abatement against the plaintiffs on the ground that such action was a suit against the State and not maintainable without the consent of the Legislature;

Now, Therefore, Be It Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Edward J. Walsh, J. M. Walsh, P. A. Walsh, M. C. Walsh, W. J. Walsh, Louis McGinnis and Katie McGinnis be and they are hereby granted permission to sue the State of Texas, and more particularly to sue the University of Texas, in trespass to try title, for the purpose of establishing the boundary line between the land conveyed to the University of Texas by George W. Brackenridge in the deed Dated June 17, 1910, and recorded in Vol. 244, at page 77, of the Deed Records of Travis County, Texas, and the land described in the above mentioned deeds from various parties to William Walsh and Dora Walsh, all in the Daniel J. Gilbert Survey in Travis County, Texas; and that such suit may be filed and tried in any of the District Courts of Travis County, and may be further prosecuted in the Appellate Courts of this State to its final determination, according to

the rules of law and procedure the same as if the party defendant were an individual, and if such suit be instituted under the provisions of this resolution process may be served upon the Chairman of the Board of Regents of the University of Texas, or upon the President of the University of Texas.

The resolution was read second time and was referred by the Speaker to the Committee on State Affairs.

#### HOUSE BILL NO. 7 ON SECOND READING

Mr. Chambers moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 7 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Allison	Eubank
Alsup	Evans
Avant	Favors
Bailey	Ferguson
Baker	Files
Benton	Fuchs
Blankenship	Garland
Boone	Green
Brawner	Halsey
Bray	Hardeman
Brown	Hargis
Bruhl	Harris of Dallas
Bullock	Harris of Hill
Bundy	Hartzog
Burnaman	Heflin
Carrington	Helpinstill
Cato	Henderson
Celaya	Hileman
Chambers	Hobbs
Clark	Howard
Cleveland	Howington
Coker	Hoyo
Colson, Mrs.	Huddleston
Connelly	Humphrey
Crosthwait	Hutchinson
Daniel	Isaacks
Davis	Kelly
Deen	Kennedy
Donald	Kinard
Dove	King
Duckett	Klingeman
Dwyer	Knight
Ellis	Lehman

Leyendecker	Reed of Dallas
Little	Ridgeway
Lock	Rhodes
Love	Roark
Lucas	Roberts
McCann	Sallas
McGlasson	Senterfitt
McMurry	Shell
McNamara	Simpson
Manford	Smith of Bastrop
Manning	Smith of Atascosa
Markle	Spacek
Martin	Stanford
Matthews	Stinson
Mills	Stubbs
Montgomery	Taylor
Morgan	Thornton
Morris	Vale
Morse	Voigt
Murray	Walters
Pace	Wattner
Parker	Weatherford
Pevehouse	White
Phillips	Whitesides
Price	Williamson
Rampy	Winfree
Reed of Bowie	

Nays—1

Craig

Absent

Allen	Jones
Bean	Lansberry
Bell	Lowry
Bridgers	Lyle
Burkett	McAlister
Crossley	McDonald
Fitzgerald	McLellan
Gandy	Moore
Gilmer	Sharpe
Hughes	Spangler

Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 7, A bill to be entitled "An Act providing for a more adequate and equitable salary for constable and justice of peace in all counties in this State having a population of not less than twenty-five thousand, five hundred (25,500) and not more than twenty-six thousand, two hundred (26,200), and contain-

ing a city having a population of not less than thirteen thousand, three hundred ninety-five (13,395) and not more than fourteen thousand, five hundred (14,500), according to the last preceding Federal Census, in which is located a military camp; providing manner in which same shall be paid; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### HOUSE BILL NO. 7 ON THIRD READING

The Speaker then laid House Bill No. 7 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—119

Allison	Files
Alsup	Fuchs
Avant	Garland
Bailey	Green
Baker	Halsey
Benton	Hardeman
Blankenship	Hargis
Boone	Harris of Dallas
Brawner	Harris of Hill
Bray	Hartzog
Brown	Heflin
Bruhl	Helpinstill
Bullock	Henderson
Bundy	Hileman
Burnaman	Hobbs
Carrington	Howard
Cato	Howington
Celaya	Hoyo
Chambers	Huddleston
Clark	Humphrey
Cleveland	Hutchinson
Coker	Isaacks
Colson, Mrs.	Kelly
Connelly	Kennedy
Crosthwait	Kinard
Daniel	King
Davis	Klingeman
Deen	Knight
Donald	Lehman
Dove	Leyendecker
Duckett	Little
Dwyer	Lock
Ellis	Love
Eubank	Lucas
Evans	McCann
Favors	McGlasson
Ferguson	McMurry

McNamara	Roberts
Manford	Sallas
Manning	Senterfitt
Markle	Shell
Martin	Simpson
Matthews	Smith of Bastrop
Mills	Smith of Atascosa
Montgomery	Spacek
Morgan	Stanford
Morris	Stinson
Morse	Stubbs
Murray	Taylor
Pace	Thornton
Parker	Vale
Pevehouse	Voigt
Phillips	Walters
Price	Wattner
Rampy	Weatherford
Reed of Bowie	White
Reed of Dallas	Whitesides
Ridgeway	Williamson
Rhodes	Winfree
Roark	

Nays—1

Craig

Absent

Allen	Jones
Bean	Lansberry
Bell	Lowry
Bridgers	Lyle
Burkett	McAlister
Crossley	McDonald
Fitzgerald	McLellan
Gandy	Moore
Gilmer	Sharpe
Hughes	Spangler

Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

### HOUSE BILL NO. 3 ON SECOND READING

Mr. Celaya moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 3 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Allison	Avant
Alsup	Bailey

Baker	King
Benton	Klingeman
Blankenship	Knight
Boone	Lehman
Brawner	Leyendecker
Bray	Little
Brown	Lock
Bruhl	Love
Bullock	Lucas
Bundy	McCann
Burnaman	McGlasson
Carrington	McMurry
Cato	McNamara
Celaya	Manford
Chambers	Manning
Clark	Markle
Cleveland	Martin
Coker	Matthews
Colson, Mrs.	Mills
Connelly	Montgomery
Crosthwaite	Morgan
Daniel	Morris
Davis	Morse
Deen	Murray
Donald	Pace
Dove	Parker
Duckett	Pevehouse
Dwyer	Phillips
Ellis	Price
Eubank	Rampy
Evans	Reed of Bowie
Favors	Reed of Dallas
Ferguson	Ridgeway
Files	Rhodes
Fuchs	Roark
Garland	Roberts
Green	Sallas
Halsey	Senterfitt
Hardeman	Shell
Hargis	Simpson
Harris of Dallas	Smith of Bastrop
Harris of Hill	Smith of Atascosa
Hartzog	Spacek
Heflin	Stanford
Helpinstill	Stinson
Henderson	Stubbs
Hileman	Taylor
Hobbs	Thornton
Howard	Vale
Howington	Voigt
Hoyo	Walters
Huddleston	Wattner
Humphrey	Weatherford
Hutchinson	White
Isaacks	Whitesides
Kelly	Williamson
Kennedy	Winfree
Kinard	

Nays—1

Craig

## Absent

Allen	Jones
Bean	Lansberry
Bell	Lowry
Bridgers	Lyle
Burkett	McAllister
Crossley	McDonald
Fitzgerald	McLellan
Gandy	Moore
Gilmer	Sharpe
Hughes	Spangler

## Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 3, A bill to be entitled "An Act validating elections heretofore held in any independent school district in this State, at which a maintenance tax for the amount and purposes stated was authorized by the qualified voters voting upon the proposition; validating all acts and proceedings of the board of trustees, voters and election officials in connection with any such election; authorizing all such school districts where the vote has heretofore been in favor of levying such maintenance tax, to levy, assess and collect taxes at the rate specified herein, and declaring an emergency."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 3 ON THIRD READING

The Speaker then laid House Bill No. 3 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—119

Allison	Boone
Alsup	Brawner
Avant	Bray
Bailey	Brown
Baker	Bruhl
Benton	Bullock
Blankenship	Bundy

Burnaman	Little
Carrington	Lock
Cato	Love
Celaya	Lucas
Chambers	McCann
Clark	McGlasson
Cleveland	McMurry
Coker	McNamara
Colson, Mrs.	Manford
Connelly	Manning
Crosthwait	Markle
Daniel	Martin
Davis	Matthews
Deen	Mills
Donald	Montgomery
Dove	Morgan
Duckett	Morris
Dwyer	Morse
Ellis	Murray
Eubank	Pace
Evans	Parker
Favors	Pevehouse
Ferguson	Phillips
Files	Price
Fuchs	Rampy
Garland	Reed of Bowie
Green	Reed of Dallas
Halsey	Ridgeway
Hardeman	Rhodes
Hargis	Roark
Harris of Dallas	Roberts
Harris of Hill	Sallas
Hartzog	Senterfitt
Heflin	Shell
Helpinstill	Simpson
Henderson	Smith of Bastrop
Hileman	Smith of Atascosa
Hobbs	Spacek
Howard	Stanford
Howington	Stinson
Hoyo	Stubbs
Huddleston	Taylor
Humphrey	Thornton
Hutchinson	Vale
Isaacks	Voigt
Kelly	Walters
Kennedy	Wattner
Kinard	Weatherford
King	White
Klingeman	Whitesides
Knight	Williamson
Lehman	Winfree
Leyendecker	

Nays—1

Craig

Absent

Allen	Bridgers
Bean	Burkett
Bell	Crossley

Fitzgerald	Lyle
Gandy	McAlister
Gilmer	McDonald
Hughes	McLellan
Jones	Moore
Lansberry	Sharpe
Lowry	Spangler

Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

## COMMITTEE ON APPROPRIATIONS INSTRUCTED

Mr. Lansberry moved that the Committee on Appropriations be instructed to report House Bill No. 6 to the House by 11:00 o'clock a. m., tomorrow.

The motion prevailed by the following vote:

Yeas—95

Allen	Garland
Allison	Green
Alsup	Hargis
Avant	Harris of Dallas
Bailey	Harris of Hill
Baker	Helpinstill
Benton	Henderson
Brawner	Hileman
Bray	Hobbs
Brown	Howington
Bruhl	Huddleston
Bullock	Hughes
Bundy	Humphrey
Burkett	Hutchinson
Burnaman	Kelly
Carrington	Kennedy
Cato	King
Coker	Klingeman
Connelly	Knight
Craig	Lansberry
Crossley	Lehman
Crosthwait	Lock
Davis	Lowry
Deen	Lucas
Donald	McCann
Dove	McDonald
Duckett	McLellan
Eubank	McMurry
Evans	Manford
Favors	Markle
Ferguson	Martin
Files	Matthews
Fuchs	Montgomery
Gandy	Morgan

Murray	Smith of Atascosa
Pace	Spacek
Parker	Stinson
Pevehouse	Stubbs
Phillips	Taylor
Price	Thornton
Rampy	Voigt
Reed of Bowie	Walters
Reed of Dallas	Wattner
Rhodes	Weatherford
Roark	White
Roberts	Whitesides
Sallas	Winfree
Sharpe	

## Nays—37

Bell	Leyendecker
Boone	Little
Celaya	Love
Clark	McAlister
Cleveland	McGlasson
Colson, Mrs.	McNamara
Daniel	Moore
Dwyer	Morris
Ellis	Morse
Gilmer	Ridgeway
Halsey	Senterfitt
Hardeman	Shell
Hartzog	Simpson
Heflin	Smith of Bastrop
Howard	Spangler
Hoyo	Stanford
Isaacks	Vale
Jones	Williamson
Kinard	

## Absent

Bean	Fitzgerald
Blankenship	Lyle
Bridgers	Manning
Chambers	Mills

## Absent—Excused

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

## SUSPENDING HOUSE RULES

Mr. Lansberry moved that the Rule requiring the posting of a 48-hour notice of a hearing on bills be suspended in order that the Committee on Appropriations might comply with the instruction given it by the House.

The motion prevailed by the following vote:

## Yeas—93

Allen	Hughes
Allison	Humphrey
Alsup	Hutchinson
Avant	Isaacks
Bailey	Kelly
Baker	Kennedy
Bean	King
Benton	Klingeman
Blankenship	Lansberry
Bray	Lehman
Bridgers	Lock
Brown	Lowry
Bruhl	Lucas
Burkett	McCann
Burnaman	McDonald
Carrington	McGlasson
Cato	McLellan
Chambers	McMurry
Coker	McNamara
Connelly	Manford
Craig	Markle
Crossley	Martin
Crosthwaite	Matthews
Daniel	Montgomery
Davis	Morgan
Deen	Murray
Donald	Parker
Dove	Pevehouse
Duckett	Phillips
Eubank	Price
Evans	Rampy
Favors	Reed of Bowie
Ferguson	Rhodes
Files	Roark
Fitzgerald	Roberts
Fuchs	Sallas
Gandy	Sharpe
Garland	Smith of Bastrop
Green	Spacek
Hargis	Stinson
Harris of Hill	Thornton
Helpinstill	Walters
Henderson	Wattner
Hileman	Weatherford
Hobbs	White
Howington	Whitesides
Huddleston	

## Nays—36

Bell	Halsey
Boone	Harris of Dallas
Bullock	Hartzog
Bundy	Heflin
Clark	Howard
Cleveland	Hoyo
Colson, Mrs.	Kinard
Ellis	Knight
Gilmer	Leyendecker

Little	Senterfitt
Love	Shell
McAlister	Simpson
Moore	Smith of Atascosa
Morris	Spangler
Morse	Stanford
Pace	Taylor
Reed of Dallas	Vale
Ridgeway	Voigt

**Absent**

Brawner	Manning
Celaya	Mills
Dwyer	Stubbs
Hardeman	Williamson
Jones	Winfree
Lyle	

**Absent—Excused**

Carlton	Hanna
Dickson of Bexar	Huffman
Dickson of Nolan	Kersey
Goodman	Nicholson

**STANDING COMMITTEE  
APPOINTMENTS**

The Speaker announced the appointment of Hon. A. N. Green on all committees assignments held by Hon. Reese Turner, resigned.

**ADJOURNMENT**

On motion of Mr. Morris, the House at 11:40 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

**APPENDIX****STANDING COMMITTEE REPORTS**

The following committees have filed favorable reports on bills, as follows:

Highways and Motor Traffic: H. B. No. 2.

School Districts: H. B. Nos. 3 and 7.

The Committee on Appropriations filed an adverse report with a minority favorably report on H. B. No. 6.

**REPORT OF THE COMMITTEE ON  
ENROLLED BILLS**

Austin, Texas, September 9, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 2, Providing for a joint session of the House and Senate for the purpose of hearing a message from the Governor.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

**REPORTS OF THE COMMITTEE  
ON ENGROSSED BILLS**

Austin, Texas, September 9, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1, A bill to be entitled "An Act appropriating the sum of One Hundred and Fifty Thousand Dollars (\$150,000), or so much thereof as may be necessary, payable out of the General Revenue Fund and not otherwise appropriated, to pay the mileage of members, their per diem and contingent expenses, and to pay the salaries and per diem of officers and employees of the First Called Session of the Forty-seventh Legislature of the State of Texas, and to pay any unpaid accounts incurred by the Regular Session of the Forty-seventh Legislature; appropriating the sum of Seven Thousand, Five Hundred Dollars (\$7,500) or so much thereof as may be necessary, to the Executive Department as an addition to item 14 of the appropriation to the Executive Department by Senate Bill No. 423, Acts of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

SMITH of Bastrop, Vice-Chairman.

Austin, Texas, September 9, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 3, Authorizing the State Highway Department to lend the School Board of the Weaver Common School District all of the

discarded pipe from the abandoned road between Timpson, Texas, and Garrison, Texas.

Has carefully compared same and finds it correctly engrossed.

SMITH of Bastrop, Vice-Chairman.

SENT TO THE GOVERNOR

September 9, 1941

H. C. R. No. 2.



**In Memory of**  
**Hon. W. P. Alexander, Sr.**

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Mr. Dove offered the following resolution:

H. S. R. No. 6, In memory of Honorable W. P. Alexander, Sr.

Whereas, On July 13, 1941, there passed from our midst Honorable W. P. Alexander, Sr., a valuable citizen and resident of Coolidge and Prairie Hill; and

Whereas, The deceased was a leader in all civic activities in his community. He was born July 28, 1867, in Greencastle, Indiana, and came to Texas in the early nineties; and

Whereas, The Honorable W. P. Alexander, Sr., served as Representative from Limestone County in the Thirty-sixth and Thirty-ninth Legislatures of Texas; he was State Highway Supervisor for many years and at one time was President of the Prairie Hill Bank. He also operated a store and gin and devoted his later years of retirement to making his community a better place in which to live; now, therefore, be it

Resolved by the House of Representatives of the Forty-seventh Legislature, First Called Session, That this body extend its deepest sympathy to his family and fellow citizens; and be it further

Resolved, That this Resolution be spread on the Memorial pages of the House Journal and that when the House Adjourns today it do so in honor of this former member; and be it still further

Resolved, That a copy be sent to Mrs. W. P. Alexander, Sr., and to the four surviving children, Mrs. G. W. Cogdell, Tehuacana; L. M. Alexander, Waco; Mrs. W. W. Dominy, Groesbeck; and W. P. Alexander, Jr., Tulsa, Oklahoma.

**DOVE.**

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Green, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manfred, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides, Williamson, Winfree.

On motion of Mr. Kelly, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.